Cross-Border Acknowledgment IV: The Collapse of Domestic Remedies under EU Charter Article 47

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I. National Case Numbers (Hungary)

Ombudsman Case: EBF–AJBH–309–2025
Administrative Court Case: 7. Kpk.. 750.239/2025/2
Data Protection Authority Case (NAIH): J-427-3/2025
Accreditation Committee Reference (MAB): MAB/477-4/2025

II. European Union Case Numbers

EU Commission Complaint No.: 86019
(Verified in the official Commission-generated document.)
EU Rule-of-Law / Funding Oversight:
Council Implementing Decision (EU) 2022/2506
Commission Resolution C (2024) 9140 final

III. Evidentiary Verification Statement

All case numbers, filings, appendices, legal submissions, and evidentiary materials can be independently verified through the author's **ORCID profile (0009-0005-4228-1124).**
The ORCID functions as the master directory containing:
The Administrative Obstruction in the European Union Medical Education: Series
SSRN DOIs

ResearchGate uploads
Photographic appendices
Specimen deficiency documentation
Gatekeeper of Rights I–II
NAIH Data Breach filings
The EU Commission Filing (Ref. 86019)

IV. Scope of Evidence Included in This Dossier

Universal Identifier Page governs — and is cross-verified via
ORCID/SSRN/MAB/ECFMG/NAIH records — the following works:

Administrative Obstruction in EU Medical Education (Series I–IV)
Denied Access to the Scalpel for Dissecting the Specimen: A legal case study of academic obstruction from Semmelweis University
Specimen Deficiency as Educational Obstruction:
Gatekeeper of Rights I & II
Ghost Students: The Legal Fiction of FM/CV Status
Cross-Border Acknowledgment Reports (PIPER Framework)
Administrative Obstruction in the EU Medical Education VI: Systematic Failure
Over-Enrolled and Under-Served:
Oral Exams Without Standards:
NAIH Data Breach Filing & Evidence
EU Commission Complaint 86019

Abstract

Cross-Border Acknowledgment IV: The Collapse of Domestic Remedies under EU Charter Article 47 examines how, in the ***Semmelweis University case***, every domestic effort to protect educational rights under EU law was superficial and ineffective. An international medical student was denied access to a compulsory anatomy practical, examined under invalid conditions, and faced threats of disciplinary actions for whistleblowing based on research. However, no Hungarian authority—whether the university, the ***Ombudsman, the NAIH data protection agency, the accreditation committee, or the administrative court***—provided a prompt, justified, and effective response.

This paper does not present new facts. Instead, it synthesizes and reinterprets existing evidence published in the author's SSRN series on Hungarian medical education and governance (***Administrative Obstruction in EU Medical Education I, III, IV, VI; Cross-Border Acknowledgment of Academic Obstruction; Gatekeeper of Rights I–II; Educational Rights and Whistleblower Protection; Specimen Deficiency; Oral Exams Without Standards; Over-Enrolled and Under-Served)***. At the EU law level, it discusses Athanasiadou and Eliantonio's analysis of the ***"silence of the EU authorities"*** and the limits of legal oversight over administrative inaction, drawing parallels at the ***Member State level*** where institutions acknowledge complaints but allow ***Article 47*** to become largely ineffective. In the higher-education field, it examines the case against Pusztai et al.'s administrative-data study of Hungarian medical student attrition, arguing that administrative obstruction of access, assessment, and data governance likely contributes to the significantly higher dropout risk among self-financing international students.

Cross-Border Acknowledgment IV therefore treats the Semmelweis dossier as a test case of systemic administrative failure within an EU Member State and contends that, under current legal and institutional arrangements, the only meaningful residual checks on such collapse are cross-border accreditation processes and EU rule-of-law monitoring.

1. Introduction

Cross-Border Acknowledgment IV asks a narrow but structurally important question: what happens to ***Article 47 of the EU Charter*** when every domestic remedy that is supposed to protect educational rights functions only in form, not in substance? The Semmelweis University case has already been documented in detail across a series of distributed SSRN papers: the original and revised legal case studies on ***Administrative Obstruction in EU Medical Education***, the institutional-governance analyses in Parts III and IV, the systemic-discrimination synthesis in Part VI, the QA dossiers under ***Cross-Border Acknowledgment of Academic Obstruction***, the oversight-focused *Gatekeeper of Rights* papers, and the resource and assessment studies on ***Specimen Deficiency***, ***Oral Exams Without Standards***, and ***Over-Enrolled and Under-Served.***^1 Taken together, those works provide a dense, evidence-based record of how one medical faculty handled access to compulsory anatomy teaching, the validity of its exams, and the treatment of a whistleblower.

This ***fourth Cross-Border paper*** does not try to re-litigate every factual detail. Instead, it isolates a specific layer of the story: the ***collapse of domestic remedies*** as a legal and systemic phenomenon. At the university level, internal petitions were ignored until a court transmission order forced a minimal reply; at the oversight level, the Ombudsman opened a case and then attempted to close it on a postal technicality, the data-protection authority confirmed GDPR concerns but moved slowly, and the accreditation committee acknowledged the dossier while deferring responsibility back to the institution. None of these actors produced a timely, reasoned decision that restored the student's rights or corrected the underlying policy failures. The pattern is not one of a single "bad decision", but of a chain of formally open yet practically blocked pathways.

This pattern mirrors concerns already identified in the broader EU administrative-law literature. Athanasiadou and Eliantonio describe how ***"silence of the EU authorities"*** and the absence of clear consequences for inaction can undermine both the right to good administration **(Article 41)** and the ***right to adequate judicial protection (Article 47),*** even when procedural channels exist on paper.^2 Brito Bastos has similarly argued that composite procedures can generate a ***"judicial review crack"*** when neither EU nor national courts are clearly competent to test the legality of particular acts within a multi-level administrative chain.^3 Cross-Border Acknowledgment IV shows a parallel dynamic within a ***single Member State***: the formal existence of complaint, investigation, and court procedures does not prevent the emergence of an *effective* vacuum of remedy.

In the ***higher-education field***, empirical work on Hungarian medical training underlines why this collapse matters beyond a single student. Pusztai and co-authors' analysis of administrative data from a Hungarian medical institution demonstrates that self-financing international students face substantially higher attrition than domestically funded peers, with tuition status and slow credit accumulation as key predictors of dropout.^4 The Semmelweis case gives a concrete mechanism that can feed into that attrition: denial of lab access to FM/CV students, degraded exam conditions, inconsistent enforcement of internal rules, and lack of usable remedy for those affected. Where institutional practices repeatedly impose invisible barriers on foreign students and domestic law offers no practical route to challenge them, higher attrition is not a ***"mystery"***—it is the predictable result of governance design.

Finally, the EU's own policy work recognizes that legal and administrative obstacles in education and health are not minor anomalies but systemic risks. The European Commission's cross-border review, as outlined in the EPRS briefing on the proposed mechanism for resolving legal and administrative obstacles in a cross-border context, identified 239 barriers, most of which stem from national law and administrative practices rather than EU norms; over 90% of these obstacles appeared in labor, education, social security, health, transport, and public services.^5 While this work focused on border regions, the Semmelweis case demonstrates that the same dynamics—fragmented competences, discretionary obstruction, lack of an effective corrective forum—can occur internally within a single Member State's higher education system. Therefore, this paper uses a micro-level case to address a broader question: under current EU and national arrangements, what remains of Article 47 when all the "gates" of domestic remedies are officially open but practically blocked?

2.1 Domestic Legal and Institutional Framework

Cross-Border Acknowledgment IV places the Semmelweis University case at the intersection of European Union fundamental rights law, Hungarian administrative and higher education law, whistleblower protections, data security regulations, and sector-specific quality assurance standards. At the European Union level, Articles 41 and 47 of the Charter of Fundamental Rights establish the rights to good administration and effective remedies. Recent scholarly research on administrative inaction demonstrates how the ***"silence of authorities"*** can undermine these guarantees in the absence of explicit legal consequences for non-decision. [1] In ***Hungary, Act CL of 2016 on general administrative procedures and Act CCIV of 2011*** on higher education aim to concretize these Charter rights within the education sector. However, the author's case studies on ***Administrative Obstruction in EU Medical Education I, III, IV, and VI, disseminated via SSRN***, illustrate that efforts such as internal petitions, Ombudsman procedures, and judicial filings in the Semmelweis dispute have only resulted in delays, procedural acknowledgements, and diversions, without achieving substantive restoration of access or correction of unlawful ***"unwritten rules"*** affecting FM/CV students.[2] Moreover, the paper focusing on ***whistleblower protections and educational rights in Hungarian medical education*** indicates that protected disclosures were met not with safeguarding measures but with marginalization and directives from deans to cease disclosures, contrary to **Act XXV of 2023** and ***Directive (EU) 2019/1937.***[3] Data protection breaches concerning the live SharePoint spreadsheet, analyzed within the author's transparency and equity research and in the context of Hungarian scholarship on sensitive data management, reveal a broader institutional culture characterized by weak informational rights and delayed supervisory responses.[4] Empirical evidence regarding Hungarian medical student attrition suggests that such governance patterns disproportionately disadvantage self-financing international students. The author's investigations into issues such as ***Specimen Deficiency***, ***Oral Exams Without Standards***, and instances of ***Over-Enrolled and Under-Served*** students demonstrate that resource inadequacies and flawed assessment conditions violate ESG and WFME standards in practice.[5] Collectively, these legal frameworks, scholarly analyses, and case-based findings support the core assertion of ***Cross-Border Acknowledgment IV***: that domestic remedies, within this context, are inherently structurally incapable of providing the protection mandated by **Article 47 of the EU Charter.**

2.2 Cross-Border Recognition and EU-Level Monitoring

From a cross-border perspective, **Cross-Border Acknowledgment IV: The Collapse of Domestic Remedies under EU Charter Article 47** examines the Semmelweis dossier through the lens of international recognition and accreditation practices. Here, systemic risk is inferred not from isolated complaints but from recurring governance patterns. Recognition bodies such as ***WFME, FAIMER, ECFMG, ENIC–NARIC centers***, and governments like Ireland's DFHERIS do not resolve national disputes directly. However, they develop medium-term risk profiles by collecting case data, complaint numbers, and public documents that challenge a Member State's reliability in higher education governance. The author's distributed SSRN papers, ***"Cross-Border Acknowledgment of Academic Obstruction"*** and its systemic QA sequel, along with the accreditation-focused sections of ***"Administrative Obstruction in EU Medical Education VI,"*** demonstrate that the Semmelweis case has already entered that evidence stream: the ***Hungarian Accreditation Committee (MAB)*** officially filed the dossier for ***WFME-linked institutional***

review, EU bodies have lodged a complaint related to ***Hungarian higher education,*** and foreign recognition authorities have been alerted to the pattern of denial, silence, and retaliation. At the policy level, the ***European Parliamentary Research Service*** briefing on the proposed mechanism to resolve ***legal and administrative barriers*** in cross-border contexts confirms that the Union has identified legal and administrative obstacles in sectors such as education and health as structural hurdles to mobility and mutual recognition. These issues are primarily caused by domestic law and administrative practices rather than EU norms. When set alongside Athanasiadou and Eliantonio's analysis of administrative silence and Brito Bastos' work on **"review cracks"** in composite procedures, the Semmelweis materials provide a concrete example of how unresolved domestic obstructions can spill over into the cross-border sphere: degrees remain officially recognized, but the governance environment producing them shows red flags in accreditation and rule-of-law monitoring systems, signaling to external entities that the underlying remedial machinery in that Member State may no longer be reliable.

3. Procedural Collapse: Evidence of Non-Functioning Remedies

This section reconstructs how every domestic remedy available to a Hungarian medical student failed in practice. It draws solely on **publicly distributed SSRN working papers** and official documents, ensuring that each assertion rests on verifiable evidence visible in the author's SSRN and ORCID records.

3.1 University Level: Silence, Discretion, and Compelled Response

The first stage of collapse is visible in the combination of **Administrative Obstruction in EU Medical Education (original and Part II), Educational Rights and Whistleblower Protection in Hungarian Medical Education, and the court-accepted legal filing in Case 7. Kpk. 750.239/2025/2.** Together, these documents show that Semmelweis University received **four** properly framed, rights-based appeals between **June 26 and July 3, 2025**, invoking ***SZMSZ rules, Act CL of 2016,*** and the right to attend compulsory anatomy practical under valid FM/CV status — and provided **no response**.

A response was received only after the **Budapest Metropolitan Administrative Court** issued a transmission order on **July 11, 2025**, directing the University to respond to the petition. The University's reply, dated **July 14, 2025**, is preserved in the legal appendices and analyzed in *Educational Rights and Whistleblower Protection*. In doctrinal terms, this is not a mere delay but **hivatali mulasztás** (omission to act): the institution engaged only when compelled by a court, confirming what the earlier *Administrative Obstruction* papers describe as **"reactive compliance under judicial pressure"** rather than proactive governance.

The same discretionary pattern appears in the treatment of FM/CV status across departments. ***Denied Access to the Scalpel and Over-Enrolled and Under-Served*** show that, while in **Appendix A:2 Biochemistry and Biophysics allowed FM/CV students** to attend labs under valid registration, the Anatomy Department imposed a blanket bar on FM/CV lab access and demanded ***"signature revocation"*** — a requirement not found in any SZMSZ provision. This is a classic instance of **internal legal fragmentation**: the written rules are uniform, but practice diverges arbitrarily.

3.2 Ombudsman Level: Defective Service and Premature Closure

Gatekeeper of Rights: The Role of Hungary's Commissioner for Fundamental Rights in Safeguarding Educational Equity and *Gatekeeper of Rights II: Ongoing Investigation and Closure of a Whistleblower Case* reconstruct the Ombudsman's handling of Case **EBF–AJBH–309–2025**.

A deficiency ruling dated **August 15, 2025,** was sent exclusively by post to a correspondence address, never reached the complainant, and was returned marked **"NOT CLAIMED"** on **September 4, 2025**. Despite this known service failure, the Ombudsman's office sent an email on **September 30, 2025,** threatening to terminate the case for non-compliance with the deficiency request. Only after the complainant protested and demanded proper service did the office re-send the ruling (2 and 9 October), implicitly acknowledging its own procedural error.

This is precisely the phenomenon of **"non-decision"** described in EU administrative-law scholarship: procedures exist on paper. Still, they are run in such a way that the merits are never reached. Instead of acting as a rights-protective forum, the Ombudsman becomes a **vector of delay and uncertainty**, with service defects and formalism substituting for substantive review of alleged discrimination and obstruction.

3.3 Data-Protection Level: NAIH and the 54-Day Delay

Gatekeeper of Rights II: Continuing Investigation and Procedural Termination without Notification documents a further form of obstruction: the misuse of student data through a live, editable SharePoint spreadsheet titled "Survey About Academic Progress", which linked English-program students' **names**, **Neptun IDs**, and **academic status** (e.g., "finished all subjects", "EOAY").

The author lodged a whistleblower disclosure with the **National Authority for Data Protection and Freedom of Information (NAIH)**. NAIH's official notice in **Case J-427-3/2025** confirms that the Authority received the complaint on **August 18, 2025,** and decided to initiate an ex officio investigation. However, the Authority only communicated this fact to the complainant on **October 10, 2025** — a **54-day delay**.

Under **GDPR and Act CXII of 2011**, such latency undermines the protective purpose of data-protection law in a context where the breach is ongoing. For nearly **two months, a sensitive spreadsheet remained live and manipulable while the controller and the supervisory authority failed to act.** The breach thereby exemplifies what ***Gatekeeper of Rights II: Continuing Investigation and Procedural Termination*** calls **"informational obstruction"** — a hidden form of inequality produced not by statutory design but by negligent or opaque data governance.

3.4 Accreditation Level: MAB Dockets the Case, Then Pushes It Back

The cross-border series — ***Cross-Border Acknowledgment of Academic Obstruction*** **and the third paper,** ***Cross-Border Acknowledgment III: Accreditation-Record Evidence (MAB/477-4/2025)*** — show that the **Hungarian Accreditation Committee (MAB)** became fully aware of the systemic character of the Semmelweis dispute.

Correspondence reproduced in ***Cross-Border Acknowledgment III*** documents that MAB registered the case under **MAB/477-2/2025** and then **MAB/477-4/2025**, with the Secretariat explicitly confirming that the evidence would be evaluated in the context of forthcoming **institutional** and **WFME medical accreditation** procedures. Nonetheless, MAB declined to conduct any immediate investigation into ESG/WFME non-compliance, instead describing the matter as something to be addressed by the University's internal mechanisms.

This creates a structural paradox: the body responsible for external quality assurance recognizes the dossier as **accreditation-relevant** yet defers entirely to the institution under scrutiny. As analyzed in ***Cross-Border Acknowledgment III – The Crossword of PIPER***, this behavior exemplifies **passive oversight** — awareness without enforcement — which converts a live QA risk into a mere record entry rather than a corrective process.

3.5 Judicial Level: Formal Jurisdiction, No Effective Remedy

The **Court-Accepted Legal Filing – Case No. 7. Kpk. 750.239/2025/2** (published on SSRN as a standalone working paper) shows that the **Budapest Metropolitan Administrative Court** formally accepted jurisdiction over the dispute and transmitted the claim and appendices to Semmelweis University pursuant to the Code of Administrative Procedure.

What the court did *not* do is equally important:

- It did not issue **interim measures** to restore access to anatomy labs.
- It did not set enforceable **deadlines** for the University to respond or to regularize FM/CV practice.
- It did not hold a **hearing** on the lawfulness of the "signature revocation" requirement.
- It did not address the **Charter- and discrimination-based claims**, despite their presence in the petition and appendices.

The court's role in the case is reduced to a mere conduit — a channel between the complainant and the University — rather than a rights-protective adjudicator. Under **Article 47 CFR,** a remedy must be **"practical and effective."** A process that never produces a reasoned decision on the merits and offers no interim relief in a time-sensitive educational dispute cannot meet that standard.

3.6 Retaliation and the Dean's Takedown Notice

The documents titled ***'Educational Rights' and 'Whistleblower Protection'*** alongside ***'Cross-Border Acknowledgment of Academic Obstruction'*** mark a significant turning point: the issue of a dean-signed takedown notice, instructing the removal of the author's research from ResearchGate and other platforms within a three-day timeframe.

The notice, which is reproduced in translation in the ***Gatekeeper of Rights II*** annexes and the ***Cross-Border Acknowledgement IV series***, notably does not specify any statutory provision, ***SZMSZ clause, or civil-law personality rights judgment.*** It claims that the publications depict Semmelweis's educational activities in a "negative light" and threatens disciplinary and legal action if the works are not removed.

From the **standpoint of domestic remedies**, this constitutes an inverse response: rather than investigating or addressing the alleged denial of rights, the University requests the deletion of the very documentation that permits case review. **Pursuant to Act XXV of 2023** and **Directive (EU) 2019/1937,** such pressure is indicative of retaliation against a protected disclosure rather than a legitimate exercise of academic self-governance.

3.7 Pattern: From Individual Case to Systemic Collapse

Given that the key components of this record are now publicly accessible as SSRN working papers—including the series on ***Administrative Obstruction in EU Medical Education (original and subsequent editions), Gatekeeper of Rights I–II, Educational Rights & Whistleblower Protection, Over-Enrolled and Under-Served, Specimen Deficiency, Oral Exams Without Standards, Cross-Border Acknowledgment I and III, and the Court Filing***—external observers can assemble the overarching pattern without reliance on confidential material.

This pattern remains consistent across various institutions and documentation:

- Silence at the University level

- Delays and service errors at the Ombudsman

- Latency and minimal engagement at NAIH

- Passive registration without enforcement at MAB

- Formal procedures at the Administrative Court

- Retaliation through takedown notices rather than corrective measures

This is not an isolated series of failures but rather a cohesive administrative system wherein procedures create an illusion of process, yet remedies are absent. To encapsulate:

Silence engenders delay, which leads to deflection, then retaliation, ultimately leaving remedies unavailable.

4. Legal Analysis: Article 47 and the Collapse of Domestic Remedies

> ***Article 47 of the Charter of Fundamental Rights of the European Union*** guarantees that anyone whose rights and freedoms under Union law are violated has the right to an effective remedy and a fair hearing before an independent and impartial tribunal. Three elements are central:
> (1) the **practical availability** of a remedy;
> (2) its **timeliness and accessibility**; and
> (3) its **substantive capacity** to address the underlying violation.

The Semmelweis case shows that each of these elements failed across all domestic channels. The institutions that should have safeguarded rights — Semmelweis University, the ***Hungarian Ombudsman, the National Authority for Data Protection and Freedom of Information (NAIH), the Hungarian Accreditation Committee (MAB), and the Budapest Administrative Court*** — each preserved a formal procedure but failed to deliver a meaningful outcome. The result is not a malfunction of a single body, but a **systemic collapse of domestic remedies** in the sense of ***Article 47.***

4.1 From Formal Procedures to "Non-Decisions": Administrative Silence as Rights Erosion

Modern European administrative law increasingly recognizes that violations of rights often occur not through explicit refusals but through **silence, delay, and non-decisions**. Athanasiadou and Eliantonio describe how formal procedures can be used to conceal inaction: deadlines are allowed to lapse, petitions remain unanswered, and authorities rely on technicalities to avoid ever pronouncing on the substance of a case.

The Semmelweis record reproduces this dynamic:

- At the **university level**, ***Administrative Obstruction in EU Medical Education V*** documents four properly grounded internal appeals (***June 26–July 3, 2025)*** that received no response. Only after the ***Budapest Metropolitan Administrative Court*** issued a transmission order on **July 11, 2025, did the university respond on July 14,** 2025, and even then, without addressing the legality of the FM/CV-based exclusion from anatomy laboratories.

- At the **Ombudsman level**, ***Gatekeeper of Rights II*** **and** ***Gatekeeper of Rights III*** show that ***Case EBF–AJBH–309–2025*** was nearly terminated based on a deficiency ruling dated **August 15, 2025**, which had never been effectively served and was returned "NOT CLAIMED" on September 4. Only after the complainant insisted on re-service did the

Ombudsman re-send the letter (2 and 9 October), thereby tacitly acknowledging its own procedural defect — but still without promptly addressing the merits.

- At the **data-protection level**, **Administrative Obstruction Part VI and NAIH's own notice in Case J-427-3/2025** show that the Authority took 54 days to confirm the opening of an ***ex officio investigation into a clear GDPR violation*** (the "Survey About Academic Progress" spreadsheet linking names, Neptun IDs, and academic status).

- At the **accreditation level**, ***Cross-Border Acknowledgment III – Institutional Record*** demonstrates that MAB formally registered the Semmelweis dossier under ***MAB/477-4/2025*** and confirmed that the material would be considered in upcoming institutional and WFME accreditation procedures, but simultaneously declined to carry out any immediate inquiry, instead directing the complainant back to the University.

- At the **judicial level**, ***Educational Rights and Whistleblower Protection*** and the court filings show that the Administrative Court accepted jurisdiction and transmitted the case to the University, but issued no interim measures, set no deadlines for corrective action, held no hearing on the legality of the FM/CV practices, and did not grapple with the fundamental-rights dimension of the dispute.

In each instance, a **procedure** existed; in none of them did it culminate in a **substantive, reasoned decision** on whether the exclusion from anatomy labs and the defective exam conditions violated domestic and EU norms. Under Article 47, this pattern of non-decisions is itself a violation: the Charter protects the right to an *effective remedy*, not merely the right to participate in processes that lead nowhere.

4.2 Structural Vulnerability: International Students and the Amplification of Risk

The collapse of domestic remedies is not occurring in a neutral environment. It overlays an already unequal landscape in which international and self-financing students are structurally more exposed to administrative risk. Administrative data on Hungarian medical education — summarized, for example, in your own containerized-anatomy and systemic-obstruction papers — show that international students have an **attrition rate around 67.5%** compared to approximately **20%** for domestic, state-funded students.

Your distributed case studies supply the mechanisms behind those numbers:

- ***Denied Access to the Scalpel*** **and** ***Ghost Students: The Legal Fiction of FM and CV Status*** demonstrates that discretionary, unwritten interpretations of FM/CV status allow departments to deny access to compulsory anatomy labs, even when the student holds valid FM/CV registration and has paid full tuition.

- ***Specimen Deficiency as an Educational Obstacle*** **and** ***Oral Exams Without Standards*** document systematically degraded cadaveric specimens, missing structures, and unstructured viva practices in high-stakes examinations, conditions that violate ESG 1.3 (valid and fair assessment) and WFME standards on educational resources and equity.

These practices disproportionately affect international, fee-paying students, whose immigration status, financial stability, and future professional recognition depend on timely progression. When the entire remedial ecosystem — internal complaints, Ombudsman, NAIH, accreditation, courts — fails to function, those students are left with **no realistic way** to correct unlawful exclusion or challenge invalid examinations. Article 47 is not merely formally violated; the regime's systemic features ensure that the violation is **concentrated on a particularly vulnerable group**, thereby aggravating its gravity.

4.3 Recognition, the Lisbon Convention, and Article 47's Procedural Dimension

The dispute at Semmelweis is not only about access to a laboratory; it also affects the **recognition** of learning, exams, and ultimately of a medical degree within the European Higher Education Area. Under the **Lisbon Recognition Convention**, qualifications and prior learning may only be refused recognition where the recognizing authority can demonstrate "substantial differences" between the previous knowledge and the requirements of the host system. Authorities must provide **reasons** for non-recognition and may not rely on silence, delay, or opaque internal rules as a substitute for decision-making.

In this light, the Semmelweis case exposes a deeper procedural defect. If a student's failure in an oral examination is the product of months of unlawful exclusion from practical training and the use of defective specimens — and if no domestic authority is willing to recognize or correct that causal chain — then any later decision to withhold recognition of that student's competence will not be based on "substantial differences" in learning outcomes, but on **unremedied administrative obstruction**. The Lisbon baseline assumes that domestic remedies can correct such distortions. Where, as here, the remedies never operate, the recognition framework rests on a **false presumption of fairness**.

Article 47 CFR aligns with this framework by ensuring that, when Union law or its implementing arrangements (including mobility, recognition, and accreditation regimes) are engaged, individuals have access to **procedures that can address and correct the underlying**

administrative distortions. In this case, the cumulative silence and deflection of domestic authorities mean that crucial recognition-affecting issues—the legality of FM/CV exclusions, the validity of exam conditions, the impact of data breaches on academic reputation-are never adjudicated at all. The right to an effective remedy over recognition-affecting decisions thus remains purely theoretical.

4.4 Cross-Border Obstacles and the EU's Own Taxonomy of Systemic Administrative Risk

The ***European Union's policy analysis*** reinforces the view that the Semmelweis case is not an idiosyncratic incident but a local manifestation of a broader pattern of **domestically generated administrative obstruction**. The ***European Parliamentary Research Service's*** briefing on the proposed mechanism to resolve legal and administrative obstacles documents **239 cross-border challenges**, of which over **90%** are attributed to national legislation and administrative practice rather than EU norms. Most are concentrated in a handful of sectors, including **education and health**, and typically manifest as fragmented competencies, inconsistent rule application, and the absence of effective corrective fora.

The Semmelweis case fits squarely within this taxonomy:

- It concerns **medical education**, located at the intersection of education and health, both of which the EU has flagged as high-risk sectors for legal-administrative obstruction.
- The obstacles are generated almost entirely by **domestic authorities** (Semmelweis, Ombudsman, NAIH, MAB, courts), not by EU legislation.
- The mechanisms involved (silence, delay, contradictory instructions, service failures, refusal to investigate) are precisely the sort of **procedural obstacles** described in the EU's own cross-border review.

In its response to **Complaint No. 86019**, the Commission acknowledges the gravity of the factual allegations. However, it emphasizes that its competencies in education are limited and that the organization of national education systems remains within the responsibility of ***Member States under Article 165 TFEU.*** This situation creates a structural paradox: the Union recognizes that domestic administrative obstacles in education constitute a systemic issue but lacks an operational mechanism to compel national authorities to address it. Under such circumstances, ***Article 47 is formally guaranteed at the EU level***; however, its effective exercise relies entirely on a domestic system that, as demonstrated by the Semmelweis case, **consistently fails to deliver**.

4.5 Cumulative Assessment: A Systemic Breach of Article 47

Article 47 is assessed based on the entire remedial framework rather than by individual body. Merely having an Ombudsman, an administrative court, a data-protection authority, and a quality-assurance agency on paper does not mean compliance. The real question is whether these institutions offer a practical, timely, and effective route to relief. The overall situation reveals serious issues: the University chose not to address the unlawful exclusion unless pressured by court; the Ombudsman caused delays through its own errors and used them to justify closing the case, contrary to Act CL and the Charter; NAIH confirmed a significant data breach only after a long delay, weakening GDPR protections; MAB recognized QA risks but delayed action, leaving the issue with the institution in question; and the Administrative Court limited itself to registry tasks, providing no interim protection or substantive review of rights violations. Each failure alone would be concerning, but together they show the complainant lacked a functioning domestic remedy, despite many formal institutions and procedures. Under these conditions, the right to an effective remedy and fair hearing under Article 47 is not just marginally violated, but fundamentally unfulfilled. This underpins the core argument of Cross-Border Acknowledgment IV: the Semmelweis case is not just about a dispute at a university, but about a Member State whose administrative and oversight structures, taken together, cannot provide the basic remedial protections Article 47 CFR requires. The findings highlight that, in this case, domestic remedies not only underperformed but failed so completely that Article 47 CFR is practically unachievable. The failure mechanisms—silence, inaction, defective service, retaliation, and accreditation delays—mirror previously identified patterns of domestic legal-administrative obstruction at the EU level. Since the case involves education, health, recognition, and personal data, it concerns sectors recognized by EU bodies and international agencies as systemic risk areas. Overall, these findings suggest that the issues are relevant not only for Hungarian administrative law but also for the EU's broader Rule of Law and mutual recognition systems.

5.1 Domestic Remedies as a Closed Circuit

At the national level, the case exemplifies that the remedial framework within Hungarian higher education governance operates as a closed circuit: the University responds solely when subjected to judicial pressure and persistently neglects to directly address the legality of its exclusionary FM/CV practices or the validity of its specimen-based assessments. The Ombudsman initiates proceedings, mishandles the process, and seeks to terminate the case due to procedural errors, only modifying its stance after the complainant raises challenges. The National Authority for Data Protection and Freedom of Information (NAIH) conducted a data protection investigation into a problematic spreadsheet, a delay of 54 days during which affected students remained unprotected. The Hungarian Accreditation Committee (MAB) recognizes the risk to quality assurance, documents this in its WFME-associated accreditation file (**MAB/477-4/2025)** yet declines to conduct an immediate investigation and reassigns responsibility back to the institution under review. The Administrative Court assumes jurisdiction, refers the case to the University, and subsequently withdraws to a registry function, without issuing an injunction, setting a timetable, or engaging substantively concerning the rights involved. Each institution acts; however, none renders a resolution. The overall effect is that the complainant navigates an

extensive sequence of procedures without ever obtaining a conclusive decision on the lawfulness of the denial of access and examination practices. Practically, the system reverts the case to its initial stage, now accompanied by an extensive paper trail. From the perspective of Article 47 CFR, this constitutes not an incidental anomaly but a systemic denial of the right to an effective remedy. The case demonstrates that a Member State may maintain a complicated remediary infrastructure in form while rendering it fundamentally devoid of substantive efficacy in practice.

5.2 Alignment with EU-Diagnosed Patterns of Administrative Obstruction

The failures documented here correspond almost one-for-one with the patterns the EU has already identified as structural obstacles to rights and free movement. The European Parliamentary Research Service's mapping of **239 cross-border obstacles** found that over 90% originated in **national law and administrative practice**, rather than EU legislation. It was heavily concentrated in a handful of sectors—most notably **education** and **health**. Typical obstacles included fragmented responsibilities, inconsistent implementation, opaque procedures, and the absence of effective corrective fora.

The Semmelweis case fits neatly into this taxonomy:

- A right formally exists (equal access to education, protection of data, fair assessment),
- The relevant institutions nominally exist (university appeals, Ombudsman, NAIH, MAB, courts),
- But the **way** they operate—silence, delay, bounce-back, non-decisions—renders the right effectively unreachable.

When the European Commission, in response to Complaint No. 86019, recognizes the factual concerns but notes the limits of its competence in education policy, it implicitly confirms that this type of obstruction is **structurally located at the Member State level**, precisely where earlier cross-border research has identified the bulk of legal-administrative obstacles.

The fact that this case is internal (not between two Member States) does not make it less relevant for EU Rule of Law monitoring. On the contrary, it illustrates how the same **domestically generated obstacles** that hinder cross-border projects also shape the day-to-day implementation of rights *within* a Member State's education system.

5.3 Increased Systemic Risk for International Students and Cross-Border Recognition

The implications are most acute for **international and self-financing students**. Your distributed work on containerized anatomy and over-enrolment shows how resource shortages and ad hoc access rules disproportionately affect foreign cohorts. When domestic remedies are effectively unavailable, these students have no credible path to contest exclusionary practices or defective exam conditions. This reality raises two distinct risk layers:

1. **Human rights and discrimination risk**:
   The combination of unwritten FM/CV interpretations, lab access bans, and degraded

specimens creates a pattern of disadvantage that closely aligns with empirical findings of higher attrition rates among international students.

2. **Recognition and accreditation risk**:
   Under the Lisbon Recognition Convention and ESG/WFME standards, mutual recognition and accreditation hinge on the assumption that domestic procedures are fair and that substantial differences—not administrative obstruction—explain why a student fails to progress or obtain recognition. Where exclusion and exam failure follow from uncorrected procedural abuses, those assumptions no longer hold.

This is precisely why MAB's decision to record the case in its WFME cycle (MAB/477-4/2025) and to treat it as a quality-assurance issue is so significant: it signals that the matter is not just a "student complaint," but a potential **systemic-risk indicator** for Hungarian medical education in the eyes of international recognizers.

5.4 The EU Rule-of-Law Cycle and the 2026 Horizon

The EU's annual Rule of Law report and related monitoring instruments increasingly rely on **concrete, documentary case material** to substantiate concerns about national compliance with fundamental rights, judicial independence, and administrative capacity. The Commission's own answer to your complaint explicitly places the case within this analytical framework, even while declining to act as an appeal body for Semmelweis.

Against that backdrop, the findings of this paper have three implications for the 2026 Rule of Law cycle and beyond:

- First, the Semmelweis case offers a **micro-level case study** that illustrates the macro-level patterns the Commission and the Council of Europe have already described: shrinking civic and institutional space, reliance on procedural formalism, and the neutralization of independent oversight mechanisms.
- Second, the case links those patterns directly to **core EU policy domains** — education, health, human capital, and mutual recognition — rather than leaving them in the abstract terrain of "civic space" or "judicial independence."
- Third, because all the evidence is **archived, published, and cross-referenced** via ORCID and SSRN, it meets the transparency and verifiability criteria required for incorporation into EU-level analytical work and for use by accreditation and recognition bodies.

In this sense, ***Cross-Border Acknowledgment IV*** functions not only as academic analysis but as **structured evidentiary input** for EU institutions and international quality-assurance actors who must assess whether Hungary's higher-education governance environment can still sustain the mutual trust on which the internal market and the European Higher Education Area are based.

5.5 Capacity Expansion, Zero Quotas, and Cadaver-Based "Premium" Training

The risks identified in the Semmelweis case are also evident in broader European developments at the intersection of medical manpower policy, institutional capacity, and quality assurance. In **Poland**, the number of institutions offering MD programs reportedly **tripled** between 2004 and 2024, while admissions quotas roughly **quadrupled** over the same period. The policy rationale was straightforward: address physician shortages by rapidly expanding medical education. Yet in 2024, the Polish Ministry of Health imposed **"zero quotas"** on six newly established universities, effectively halting new admissions because of serious concerns about accreditation and institutional capacity. The result is a systemic paradox: expansion had already occurred at a scale that strained quality-assurance mechanisms, and only after programs were opened did the regulator intervene to stop further intake. This pattern mirrors a core risk highlighted throughout this paper: where expansion outpaces oversight, quality controls become reactive and blunt, rather than preventive and evidence-based.

At the same time, **Semmelweis University** has sought to position itself at the opposite end of the training spectrum. On **January 13, 2025**, it announced its entry into the international surgical-training market through an "***Interdisciplinary Cadaver Operating Room"*** that uses specialized tissue-fixation techniques to produce realistically preserved specimens. These courses allow participants to practice complex procedures—such as pancreatic, liver, colon, and vascular surgery—on cadavers with lifelike soft tissue, vascular structures, and even simulated bleeding, in conditions that approximate real operating rooms. When set against the specimen-quality audit in ***Specimen Deficiency as an Educational Obstacle*** **a**nd the exam conditions described in ***Oral Exams Without Standards***, this contrast is striking: the same institution that subjected tuition-paying international students to dried, mutilated, or structurally incomplete cadavers in high-stakes preclinical exams can simultaneously market high-fidelity, premium-level cadaver-based training as a global product.

These two developments—the Polish ***"zero quota"*** intervention and Semmelweis' cadaver-based surgical program—underscore the broader tension that frames this case study. On one side, there is political pressure to **mass-produce** physicians to address demographic and workforce concerns; on the other, an emerging market for **high-end anatomical realism** targeted at an international clientele. When domestic remedial systems fail, as they did in the Semmelweis case, the students most affected by governance failures are those in the mass system: they bear the costs of expansion, resource constraints, and administrative obstruction, while premium tracks signal quality to external audiences. The collapse of domestic remedies under Article 47 CFR thus has implications not only for individual justice but also for the credibility and internal coherence of European medical education amid divergent models of expansion and quality control.

6. Conclusion

Cross-Border Acknowledgment IV: The collapse of domestic remedies under EU Charter Article 47 employs a singular, meticulously documented case from Hungarian medical education to examine whether a ***Member State's remedial framework*** can still uphold EU fundamental rights in a sensitive sector. The findings, based on the compilation of the author's distributed SSRN case studies and corroborative official documents, are conclusive in the negative. In this scenario, the right to an effective remedy exists legally but not in practice. The university relied on unwritten rules to deny access to compulsory education and refused to rectify them until subjected to procedural pressure; the Ombudsman transformed its own service failure into a purported reason for termination; the data-protection authority acknowledged a GDPR-related issue only after a significant delay; the accreditation body considered the case relevant for WFME review but refrained from investigation; and the administrative court accepted, recorded, and forwarded the case without providing interim or definitive remedies. Throughout, the domestic system failed to generate the prompt, reasoned, and corrective decision mandated by ***Article 47.***

The case further elucidates how this remedial failure interacts with broader patterns already evident within scholarly research and empirical data. Empirical investigations into Hungarian medical education indicate that international students who self-finance their studies occupy a structurally delicate position. The materials from Semmelweis University offer detailed insights into mechanisms such as governance opacity, procedural obstructions, invalid assessment conditions, and the misuse of information—each of which operationalizes this fragility. Moreover, comparative legal scholarship within the European Union on issues of silence, inaction, and review deficiencies provides insight into how a complex network of procedures can coexist with a lack of genuine accountability. Concurrently, analysis at the EU level concerning cross-border legal and administrative obstacles in education and healthcare confirms that the principal sources of obstruction are rooted in national rather than European norms. When these insights are integrated with the facts of the Semmelweis case, a coherent picture emerges: the failure of domestic remedies is not an isolated incident but a predictable consequence of an institutional framework wherein each participant has strong incentives to minimize conflict and weak incentives to enforce rights.

Ultimately, the paper demonstrates that, within the current legislative framework, the sole tangible repercussions of that collapse are indirect and reputational. The case is now documented within the records of **MAB, NAIH, the Ombudsman, Hungarian courts, the European Commission**, as well as numerous international recognition and accreditation authorities. It has been permanently indexed via distributed SSRN publications. This elevates the Semmelweis dispute beyond a mere personal matter: it constitutes a documented example of systemic administrative failure, now accessible as evidence for the European Union's rule-of-law reporting cycle and for external entities evaluating the reliability of Hungarian governance in higher education. **Consequently, Cross-Border Acknowledgment IV** culminates in a dual conclusion: domestically, ***Article 47*** has not provided an adequate remedy in this case; internationally, the same shortcoming has become embedded within the evidentiary framework through which systemic risks in a Member State are gradually, yet increasingly, acknowledged.

References

1. Primary law and soft law

Charter of Fundamental Rights of the European Union [2012] OJ C326/391.

Consolidated Version of the Treaty on European Union [2012] OJ C326/13.

Consolidated Version of the Treaty on the Functioning of the European Union [2012] OJ C326/47.

Act CL of 2016 on General Administrative Procedure (Hungary).

Act CCIV of 2011 on National Higher Education (Hungary).

Act XXV of 2023 on the Rules of Complaints, Public-Interest Disclosures and the Reporting of Abuses (Whistleblower Act, Hungary).

Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 (General Data Protection Regulation) [2016] OJ L119/1.

Directive (EU) 2019/1937 of the European Parliament and of the Council of October 23, 2019, on the protection of persons who report breaches of Union law [2019] OJ L305/17.

Directive 2005/36/EC of the European Parliament and of the Council of September 7, 2005, on the recognition of professional qualifications [2005] OJ L255/22.

ENQA, *Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)* (2015).

World Federation for Medical Education, *WFME Global Standards for Quality Improvement: Basic Medical Education* (2020 revision).

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2. EU and national institutional documents

European Commission, ‘Re: Your submission of June 30, 2025 against Hungary – Ares(2025)5508553’ (DG EAC / DG JUST, July 8, 2025, as updated November 20, 2025) (Case No 86019).

Christiaan van Lierop, *Mechanism to Resolve Legal and Administrative Obstacles in a Cross-Border Context* (EPRS Briefing PE 625.147, European Parliamentary Research Service, November 2018/2021).

National Authority for Data Protection and Freedom of Information (NAIH), 'Notice Opening Investigation J-427-3/2025' (October 10, 2025).

Internal MAB or university documents quoted in appendices can be listed as: "Hungarian Accreditation Committee (MAB), Letter Reg. nr. MAB/477-4/2025 (on file with author)."

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3. Peer-reviewed and scholarly literature

Natassa Athanasiadou and Mariolina Eliantonio, 'Silence of the EU Authorities: The Legal Consequences of Inaction by the EU Administration' in DC Dragos, P Kovac and HD Tolsma (eds), *The Sound of Silence in European Administrative Law* (Palgrave Macmillan 2020).

Filipe Brito Bastos, 'An Administrative Crack in the EU's Rule of Law: Composite Decision-making and Non-justiciable National Law' (2020) 16 *European Constitutional Law Review* 63.

Gabriella Pusztai and others, 'Administrative Data Analysis of Student Attrition in Hungarian Medical Training' (2022) 22 *BMC Medical Education* 317.

András L Pap, 'Ethnic Data Protection and Collection: The Case of Hungary' (2020) 19(2) *Journal on Ethnopolitics and Minority Issues in Europe* 14.

US-DOJ paper as comparative context, you can also include:
Siddhartha Harsh Wardhan, 'The Role of the US Department of Justice in Protecting Citizens Abroad: A Case Study of Educational Rights Violations in Hungary' (2025) SSRN Working Paper 5423635.)

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4. Wardhan case-study and governance series (SSRN-distributed)

Internal MAB or university documents quoted in appendices can be listed as: "Hungarian Accreditation Committee (MAB), Letter Reg. nr. MAB/477-4/2025 (on file with author)."

Administrative Obstruction – core series

Siddhartha Harsh Wardhan, 'Administrative Obstruction in EU Medical Education: A Legal Case Study from Semmelweis University' (2025) SSRN Working Paper 5362705.

——, 'Administrative Obstruction in EU Medical Education: A Revised Legal Case Study from Semmelweis University' (2025) SSRN Working Paper 5404027.

——, ‘Administrative Obstruction in EU Education: Institutional Hypocrisy and Rule-of-Law Deficiency at Semmelweis University. Third Part of *Administrative Obstruction in EU Education: A Legal Case from Semmelweis University*’ (2025) SSRN Working Paper 5418874.

——, ‘Administrative Obstruction in European Union Medical Education: Fourth Series of Original – Unwritten Rules, Misled Students: Misinformation in Higher Education’ (2025) SSRN Working Paper 5418897.

——, ‘Administrative Obstruction in European Union Medical Education: Systematic Discrimination and Administrative Failures in the EU Medical Program – A Legal Case Study from Semmelweis University VI’ (2025) SSRN Working Paper 5755943.

Cross-Border Acknowledgment series

——, ‘Cross-Border Acknowledgment of Academic Obstruction: A Case Study in Whistleblower Documentation and International Accreditation Monitoring’ (2025) SSRN Working Paper 5380402.

——, ‘Cross-Border Acknowledgment of Academic Obstruction: A Systemic QA Dossier on Access Denial, Policy Inconsistency, and Accreditation Risk’ (2025) SSRN Working Paper 5454954.

Gatekeeper/oversight series

——, ‘Gatekeeper of Rights: The Role of Hungary’s Commissioner for Fundamental Rights in Safeguarding Educational Equity’ (2025) SSRN Working Paper 5380414.

——, ‘Gatekeeper of Rights II: Ongoing Investigation and Closure of a Whistleblower Case in Hungarian Higher Education Without Justification’ (2025) SSRN Working Paper 5628170.

Whistleblower and court-focused papers

——, ‘Educational Rights and Whistleblower Protection in Hungarian Medical Education: Evidence from a Central European Administrative Court Case’ (2025) SSRN Working Paper 5384860.

——, ‘Court-Accepted Legal Filing – Case No. 7. Kpk. 750.239/2025/2: Hungarian Administrative Court Submission – Legal Appendices A–F’ (2025) SSRN Working Paper 5365230.

Resources, assessment, and quantitative obstruction

——, ‘Specimen Deficiency as an Educational Obstacle: A Legal Case Study in Hungarian Medical Education’ (2025) SSRN Working Paper 5399018.

——, ‘Oral Exams Without Standards: A Case Study of Assessment Bias Against International Medical Students in Central Europe’ (2025) SSRN Working Paper 5404021.

——, ‘Over-Enrolled and Under-Served: Quantitative Evidence of Administrative Obstruction in EU Medical Education’ (2025) SSRN Working Paper 5404003.

Governance, misrepresentation, and silence

——, ‘Collaboration vs Affiliation in Higher Education: A Case Study of Institutional Misrepresentation’ (2025) SSRN Working Paper 5398723.

——, ‘Seventy Professors, Zero Rebuttals: Institutional Silence and Accountability in Higher Education’ (2025) SSRN Working Paper 5420914.

——, ‘Hungary’s NATO Subsidies, Education Exploitation, and Democratic Backsliding: Ethical and Strategic Fault Lines’ (2025) SSRN Working Paper 5403997.

——, ‘A Case Study of Policy Violation at Semmelweis University (2024–25)’ (2025) SSRN Working Paper 5362764.